

CR 11 00 683

DLJ

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

2011 SEP 21 P 3:51

San Jose Division

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT

THE UNITED STATES OF AMERICA

SEALED BY ORDER
OF THE COURT

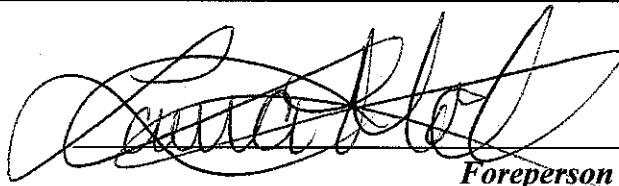
vs.

CHRISTOPHER DOYON,
aka "PLF," "Commander Adama," and
"Commander X,"
JOSHUA JOHN COVELLI,
aka "Absolem," and "Toxic,"

INDICTMENT

COUNT ONE: 18 U.S.C. §§ 1030(b),(c)(4)(A)(i)(I) - Conspiracy to Commit Intentional
Damage to a Protected Computer;

COUNT TWO: 18 U.S.C. §§ 1030(a)(5)(A), (c)(4)(A)(i)(I), (c)(4)(B)(i) & (2) - Intentional
COUNT THREE: Damage to a Protected Computer, Aiding and Abetting.

A true bill.


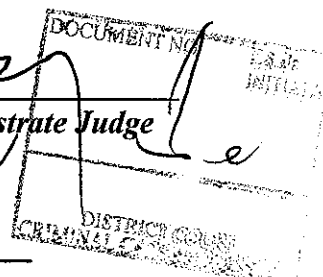
Foreperson

Filed in open court this 21st day of September

A.D. 2011

Arrest Warrant for Doyon
Bail. \$ Summons for Covelli

United States Magistrate Judge



MELINDA HAAG (CABN 132612)
United States Attorney

FILED

2011 SEP 21 P 3:51

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
N.D. CA - SAN JOSE

SEALED BY ORDER
OF THE COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DLJ

HRL

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHRISTOPHER DOYON,
aka "PLF," "Commander Adama," and
"Commander X,"
JOSHUA JOHN COVELLI,
aka "Absolem," and "Toxic,"

Defendants.

CR 11-00683

No. CR-

VIOLATIONS: 18 U.S.C. §§1030(b),
(c)(4)(A)(i)(I) – Conspiracy; 18 U.S.C. §§
1030(a)(5)(A), (c)(4)(A)(i)(I), (c)(4)(B)(i) –
Intentional Damage to a Protected
Computer; 18 U.S.C. § 2 – Aiding and
Abetting.

(SAN JOSE VENUE)

Filed Under Seal

INDICTMENT

The Grand Jury charges:

Introductory Allegations:

At all times relevant to this Indictment:

1. The County of Santa Cruz, California ("Santa Cruz County"), was located wholly within the Northern District of California. Santa Cruz County maintained a website on the Internet through computer servers also located within the Northern District of California. This website allowed access to Santa Cruz County's government entities and programs, including Emergency Services, Law Enforcement, the Courts, Social Services, Agricultural Extension,

INDICTMENT

1 Employment, Surplus Sales, Vendor Registration, and Construction Projects and Proposals.
2 Santa Cruz County's website and computer servers were used in and affecting interstate and
3 foreign commerce and communication.

4 2. The City of Santa Cruz ("Santa Cruz City") was located wholly within Santa Cruz
5 County. The Santa Cruz City Municipal Code ("the Municipal Code") was a codification of the
6 general ordinances of Santa Cruz City. Section 6.36.010 of the Municipal Code, entitled
7 "Camping Prohibited," contained restrictions and definitions on camping within Santa Cruz City.
8 In response to the enforcement of Section 6.36.010, protesters occupied the Santa Cruz County
9 Courthouse premises from approximately July 4, 2010, to October 2, 2010. Law enforcement
10 officers from Santa Cruz County disbanded the protest and several protesters were charged with
11 misdemeanors crimes in Santa Cruz County.

12 3. The People's Liberation Front, also known as PLF, was an online collective of
13 individuals that was associated with collaborative hacking attacks motivated by political and
14 social goals, often referred to as "hactivism."

15 4. A Distributed Denial of Service ("DDoS") was a hacking attack that attempted to
16 render a computer resource unavailable to its intended users. One common DDoS attack
17 attempted to saturate the target computer or network with external communications requests,
18 such that the target could not respond to legitimate traffic, or responded so slowly as to render the
19 target effectively unavailable.

20 5. A High Orbit Ion Cannon ("HOIC") was an open source computer program that
21 was originally designed as a network security and stability testing application, but which was also
22 used as a tool by DDoS attackers. Attackers used HOIC to send extremely large amounts of
23 packets or requests over a network in an attempt to overwhelm a target.

24 DDoS Attacks on the County of Santa Cruz, California:

25 6. In retribution for Santa Cruz City's enforcement of Section 6.36.010 of the
26 Municipal Code, and Santa Cruz County's disbandment of the protest, the PLF coordinated and
27 executed a DDoS attack against Santa Cruz County's computer servers using HOIC. The PLF
28 referred to these co-ordinated attacks on Santa Cruz County as "Operation Peace Camp 2010."

1 COUNT ONE: (18 U.S.C. § 1030(b) – Conspiracy to Commit Intentional Damage to a
2 Protected Computer)

3 7. The factual allegations contained in Paragraphs 1 through 6 are realleged
4 and incorporated herein by reference as if set forth in full.

5 8. On or about a date unknown but at least by December 12, 2010, and continuing to
6 on or about December 16, 2010, in the Northern District of California and elsewhere, the
7 defendants,

8 CHRISTOPHER DOYON,
9 aka "PLF," "Commander Adama," and
10 "Commander X,"

11 JOSHUA JOHN COVELLI,
12 aka "Absolem," and "Toxic,"

13 did knowingly conspire and agree with each other and other persons known and unknown to the
14 Grand Jury to commit Intentional Damage to a Protected Computer, in violation of 18 U.S.C. §§
15 1030(a)(5)(A), (c)(4)(A)(i)(I), & (c)(4)(B)(I), that is to commit a DDoS attack on Santa Cruz
County's protected computers.

16 All in violation of Title 18, United States Code, Sections 1030(b) & (c)(4)(A)(i)(I).

17 COUNT TWO: (18 U.S.C. §§ 1030(a)(5)(A), (c)(4)(A)(i)(I), (c)(4)(B)(i) & (2) –
18 Intentional Damage to a Protected Computer, Aiding and Abetting)

19 9. The factual allegations contained in Paragraphs 1 through 6 are realleged
20 and incorporated herein by reference as if set forth in full.

21 On or about December 16, 2010, in the Northern District of California and
22 elsewhere, the defendant,

23 CHRISTOPHER DOYON,
24 aka "PLF," "Commander Adama," and
25 "Commander X,"

26 knowingly caused the transmission of a program, information, code, and command, that is,
27 HOIC, and, as a result of such conduct, intentionally caused damage without authorization to
28 protected computers of Santa Cruz County, and caused loss to 1 or more persons during a 1-year
period affecting protected computers aggregating at least \$5,000 in value.

1 All in violation of Title 18, United States Code, Sections 1030(a)(5)(A), (c)(4)(A)(i)(I),
2 (c)(4)(B)(i), & 2.

3 COUNT THREE: (18 U.S.C. §§ 1030(a)(5)(A), (c)(4)(A)(i)(I), (c)(4)(B)(i) & (2) –
4 Intentional Damage to a Protected Computer, Aiding and Abetting)

5 10. The factual allegations contained in Paragraphs 1 through 6 are realleged
6 and incorporated herein by reference as if set forth in full.

7 On or about December 16, 2010, in the Northern District of California and
8 elsewhere, the defendant,

9 JOSHUA JOHN COVELLI,
10 aka "Absolem," and "Toxic,"

11 knowingly caused the transmission of a program, information, code, and command, that is,
12 HOIC, and, as a result of such conduct, intentionally caused damage without authorization to
13 protected computers of Santa Cruz County, and caused loss to 1 or more persons during a 1-year
14 period affecting protected computers aggregating at least \$5,000 in value.

15 All in violation of Title 18, United States Code, Sections 1030(a)(5)(A), (c)(4)(A)(i)(I),
16 (c)(4)(B)(i), & 2.

17
18 DATED: 9/21/11

A TRUE BILL

FOREPERSON

20
21 MELINDA HAAG
22 United States Attorney

23 MATTHEW A. PARRELLA
24 Chief, CHIP Unit

25 (Approved as to form: MAP Hughes)
26 AUSAs PARRELLA & CHEW

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED
 Count 1: 18 U.S.C. §§ 1030(b), (c)(4)(A)(i)(I) - Conspiracy
 Counts 2-3: 18 U.S.C. §§ 1030(a)(5)(A), (c)(4)(A)(i)(I), (c)(4)(B)(i)
 - Intentional Damage to a Protected Computer

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

 PENALTY: Count 1: 5 years imprisonment, \$250,000 fine.
 Counts 2-3: 10 years imprisonment each count; \$250,000 fine each count.

 SEALED BY ORDER
 OF THE COURT

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

2011 SEP 21 P 3:52

DEFENDANT - U.S.

CHRISTOPHER DOYON aka "PLF," "Commander Adama" and

DISTRICT COURT NUMBER

CR11 00683

DLJ

HRL

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI Special Agent Melanie Adams

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form Melinda Haag

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) Matthew A. Parrella

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

 1) ☒ If not detained give date any prior summons was served on above charges

 2) ☐ Is a Fugitive

 3) ☐ Is on Bail or Release from (show District)
IS IN CUSTODY
 4) ☐ On this charge

 5) ☐ On another conviction

☐ Federal ☐ State

 6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT

Bail Amount: No Bail

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED
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 Counts 2-3: 18 U.S.C. §§ 1030(a)(5)(A), (c)(4)(A)(i)(I), (c)(4)(B)(i)
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☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

 PENALTY: Count 1: 5 years imprisonment, \$250,000 fine
 Counts 2-3: 10 years imprisonment, each count \$250,000 fine each count.

Name of District Court, and/or Judge/Magistrate Location

 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

DEFENDANT - U.S.

 JOSHUA JOHN COVELLI
 aka "Absolom" and "Toxic"

DISTRICT COURT NUMBER

CR 11 00 683

DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

- 1)
- ☐
- If not detained give date any prior summons was served on above charges
-
- 2)
- ☐
- Is a Fugitive
-
- 3)
- ☒
- Is on Bail or Release from (show District)

NDCA - CR-11-00471-DLJ

IS IN CUSTODY

- 4)
- ☐
- On this charge
-
- 5)
- ☐
- On another conviction }
- ☐
- Federal
- ☐
- State
-
- 6)
- ☐
- Awaiting trial on other charges
-
- If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

FBI Special Agent Melanie Adams

☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCp 20, 21, or 40. Show District
☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

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☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form Melinda Haag

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

Matthew A. Parrella

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**☒ SUMMONS ☐ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

223 West Funderburg Road, San Jose, CA 95128

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: November 1, 2011 01:30 PM

Before Judge: Crowl HRL

Comments: Please have the U.S. Marshal's Service serve the Summons by mail.